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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY,

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R. SUBHASH REDDY

WRIT PETITION NO : 21216 of 1995

Between:

Kondam Jaipal Reddy.

..... PETITIONER

AND

1 The Warangal Dist. Coop.Central Bank Ltd., rep. by its General

Manager, Subadari, Hanamkonda.
2 Branch Manager,
The Warangal Coop. Central bank Ltd., Vardhannapet Branch,
Warangal District.
3 The Primary Agricultural Coop. Credit Society,
Pothereddypally, Rayaparthi Mandal,
Warangal District.
4 Sale Officer and Coop. Sub Registrar (A&E),
O/o. Dist. Coop Central Bank Ltd., Warangal.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially one in the nature of Writ of Mandamus declaring the action of the respondents in issuing impugned notice No.4830/94-95,d/-10-1-95 as arbitrary, illegal and high handed one and consequently direct the respondents not to charge any penal interest to the petitioner loan account Nos.15/MI and 18MG.

Counsel for the Petitioner:MR.B.NARAYANA REDDY, Advocate

Counsel for the Respondents.: MR.J.VENKATESWARA REDDY, Advocate

The Court made the following :

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ORDER:

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This Writ Petition is filed, seeking Writ of Mandamus, to declare the action of the respondents in issuing certificate in proceedings No.4830/94-95, dated 10-1-1995, as illegal and arbitrary.

The said certificate is issued in exercise of powers under Section 71 of the Andhra Pradesh Cooperative Societies Act, 1964, on an application filed by the Primary Agricultural Credit Society Limited, Pothureddipally, Rayaparthi Mandal, Warangal District, for an amount of Rs.14,718.04 Ps.

At the stage of admission, this Court has stayed the operation of the said certificate subject to deposit of Rs.5,000/-. It is stated by the learned Counsel for the petitioner that the petitioner has paid the said amount.

The only contention advanced by the learned Counsel for the petitioner is that there was Debt Relief Scheme announced by the Central Government and, as per the said scheme, he is entitle to write- off Rs.10,000/- from the loan amount.

Though the Writ Petition is of the year 1995, neither counter affidavit nor Debt Relief Scheme is filed.

So far the said Certificate is concerned, I do not find any illegality, as the same is issued in exercise of powers under Section 71 of the Andhra Pradesh Cooperative Societies Act, 1964, for the amount of Rs.14,718.04 Ps, due from the petitioner to the Primary Agricultural Credit Society Limited, Pothureddipally. Inasmuch as the

petitioner has already paid Rs.5,000/- pursuant to the direction of this Court, I dispose of the Writ Petition permitting the petitioner to pay the balance amount within two months from the date of receipt of this order. Further, with regard to Debt Relief Scheme is concerned, it is open for the petitioner to file an application claiming benefit under the Debt Relief Scheme and if such an application is filed, the respondents shall pass appropriate orders.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

February, 07, 2005.

Msnr.

To

1 The Warangal Dist. Coop.Central Bank Ltd., rep. by its General

Manager, Subadari, Hanamkonda.

2 Branch Manager,
The Warangal Coop. Central bank Ltd., Vardhannapet Branch,
Warangal District.

3 The Primary Agricultural Coop. Credit Society,
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